

Application No. : 10/686,877
Filed : October 16, 2003

REMARKS

Claims 1-3, 5-12, 14-20, 23, 24, and 27-37 were pending in the application. By this paper, Applicant has amended Claims 1, 12, 20, 23, 24, 27, 30, 33, and 36 and added new Claims 38 and 39. Accordingly, Claims 1-3, 5-12, 14-20, 23, 24, and 27-39 are presented for examination herein.

Request-for-Continued Examination (RCE)

Applicant submits concurrently herewith an RCE for continued prosecution of the above-identified application.

§102 Rejections

Per page 12 of the Office Action, Claims 12 and 14-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hart (U.S. Patent No. 5,473,368; hereinafter referred to as "Hart"). In response to these rejections, Applicant provides the following remarks.

Claim 12 – Applicant respectfully traverses the Examiner's §102 rejection of Claim 12 as being anticipated by Hart.

Applicant notes that "*A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.*" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131.

The Examiner argues that Hart discloses the presence of the at least one camera being not readily expected or discernable by inhabitants of the location, thereby providing covertness. Specifically, the Examiner asserts that Hart describes a weather shelter which "*covers the camera 22 in a covert, secretive manner to make the camera not readily discernable by people in the location so as to blend in with the environment of the monitored location and to prevent discovery of the camera 22.*" Applicant respectfully disagrees with the Examiner's assertions.

Applicant respectfully submits that Hart does not expressly or inherently describe the presence of the at least one camera being not readily expected or discernable by inhabitants of the location. Rather, the weather shelter described in Hart is illustrated in FIG. 1 to merely comprise a single panel which is raised above the camera by one or more posts. Accordingly, the

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camera is visible from any direction available to local inhabitants (i.e., is visible from the sides, the back and the front). Since the camera is visible from literally all relevant angles, inhabitants of the location would expect the camera and would be able to discern the camera. Therefore, Hart does not teach the presence of the at least one camera being not readily expected or
5 discernable by inhabitants of the location.

However, in order to more unambiguously distinguish its invention of Claim 12 over the prior art, Applicant has herein amended Claim 12 to recite that the at least one camera is configured to look like a passive infrared security sensor. Support for this amendment may be found at, *inter alia*, page 8, line 27 – page 9, line 8 of Applicant's specification as filed.

10 Applicant respectfully submits that although Hart discloses an array of passive infrared detectors (see e.g., column 5, lines 49-52) and a camera (see e.g., column 6, lines 17-23), Hart does *not* disclose that the camera is configured to look like a passive infrared security sensor. Rather, as illustrated in FIGS. 1 and 2, the camera 22 is configured to merely look like a camera.

Therefore, Applicant respectfully contends that each and every limitation of Claim 12 is
15 not expressly or inherently described by Hart. Thus, the claim is not anticipated thereby.

Claim 20 – By this paper, Applicant has amended Claim 20 to recite limitations relating to the processing of the video data being purposefully configured to preclude viewing of certain portions of the field of view of the at least one camera. Support for this amendment may be found
20 throughout Applicant's specification as filed, including at, *inter alia*, page 13, lines 7-13 and FIG. 2c-2d.

Applicant respectfully submits that Hart does not expressly or inherently teach that the processing of the video data is purposefully configured to preclude viewing of certain portions of the field of view of the at least one camera. As noted by the Examiner on page 14 of the Office
25 Action, Hart discloses obtaining the intruder's face for close examination thereof (see e.g., column 9, lines 7-17). Accordingly, viewing of certain other features of the monitored location (i.e., features other than the intruder's face) will not be available. However, in Hart, the non-availability of viewing certain features of the monitored location or its inhabitants is not purposeful (i.e., the video data processing is not intentionally configured to remove or obscure portions of the available field
30 of view). Rather, as described, data is processed to enhance viewing of the intruder's face; the

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resultant diminished viewing of other features is merely an unintended and non-essential byproduct of the processing to reduce the field of view.

Since Hart does not disclose all of the limitations of Claim 20 as amended, the claim is respectfully not anticipated thereby.

5

§103 Rejections

1. Per page 15 of the Office Action, Claims 1-3, 5-11, 27-32 and 34-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Ramirez-Diaz, et al. (U.S. Patent No. 6,476,858; hereinafter referred to as "Ramirez-Diaz"). In response thereto, Applicant
10 has provided the following remarks.

Claim 1 – By this paper, Applicant has amended Claim 1 to recite limitations relating to the processing comprises permutation of the first data. Support for this amendment may be found at, *inter alia*, page 9, lines 18-23 of Applicant's specification as filed.

15 Applicant respectfully notes that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.*" *In re Royka*, 490 F.2d 981 (CCPA 1974). See MPEP 2143.03.

Applicant contends that neither Hart nor Ramirez-Diaz teaches or suggests processing comprising permutation of the first data. On page 15 of the Office Action, the Examiner contends
20 that element 52 (the microcontroller) of Hart comprises a processing entity adapted to process the first data to produce second data. Assuming, *arguendo*, the Examiner's contention to be correct, Applicant submits that the microcontroller 52 merely converts the data from an analog to a digital signal (see e.g., column 7, lines 2-4). Converting data from analog to digital does not comprise permutation of the data as now recited by Applicant in Claim 1. Thus, Hart does not
25 disclose permutation of the first data.

Therefore, Applicant submits that all of the limitations of Claim 1 as amended are not taught or suggested by the prior art. Accordingly, Claim 1, as amended, is not rendered obvious given Hart and/or Ramirez-Diaz.

30 **Claim 27** – Applicant respectfully traverses the Examiner's §103 rejection of Claim 27 as being unpatentable over Hart in view of Ramirez-Diaz.

The Examiner states on page 19 of the Office Action that Ramirez-Diaz discloses a “computer program with algorithms adapted to intentionally altering, without user intervention (col. 7, ln. 18-21, the operating system can automatically react without user intervention for resizing or reducing resolution).” Applicant respectfully disagrees.

5 Applicant submits that Ramirez-Diaz does not disclose intentionally altering without user intervention the first data. Rather, at column 6 lines 63-65, Ramirez-Diaz states that the “camera video image 121 dynamically adjusts whenever the user adjusts the window 103.” {emphasis added}

10 Further, at column 6, line 66 – column 7, line 1, Ramirez-Diaz states “The computer automatically determines the optimal size of the camera window 121 whenever the user resizes window 103.” {emphasis added} Therefore, throughout the disclosure, including at column 7, lines 18-21, Ramirez-Diaz only discloses the operating system’s *response* to the user manually moving or resizing the video window. Because the user must manually demonstrate the intent to have the window moved or resized, the window is not altered “without user intervention”.

15 However, to more clearly distinguish the invention of Claim 27 over the prior art, Applicant has by this paper amended the claim to recite algorithms particularly adapted to process the first data such that video derived therefrom may be displayed, without user intervention, with sufficiently reduced resolution or content such that details of individuals being monitored by the apparatus are not discernable. Support for this amendment may be found at, *inter alia*, FIGS. 2b-2e
20 and the relevant description thereof in Applicant’s specification as filed.

Applicant submits that neither Hart nor Ramirez-Diaz teaches or suggests algorithms adapted to process the first data such that video derived therefrom may be displayed, without user intervention, with sufficiently reduced resolution or content such that details of individuals being monitored by the apparatus are not discernable. At column 6, line 55 – column 7, line 6, Ramirez-
25 Diaz states:

30 “FIG. 2 is a zoom of the camera window format (103 of FIG. 1). The main window components are the camera image size controls 120, camera video image 121, status indicators and control icons 122, and the camera identifier 123. The image size controls 120 are used to minimize, maximize and close the camera window. The window can also be resized by the user, by clicking with the mouse the corners of the window and pulling inward or outward. Camera video image 121 dynamically adjusts whenever the user adjusts the window 103, though an aspect ratio of 4/3 is preferably maintained.

5 *The computer automatically determines the optimal size of the camera window 121 whenever the user resizes window 103. The status indicators 124 display the status of the camera, if the camera is turned OFF or ON, or if motion is detected from the camera. The control icons 122 allow the user to adjust the settings for an individual camera, such as camera video motion detect sensitivity, video brightness and contrast adjust, and the image area of surveillance.” {emphasis added.}*

10 In other words, in Ramirez-Diaz, only discloses display of data with reduced resolution as the result of user intervention. Ramirez-Diaz does not disclose video derived from the first data displayed, without user intervention, with sufficiently reduced resolution or content such that details of the individuals being monitored by the apparatus are not discernable.

15 Moreover, the Examiner is referred to MPEP 2143.01: “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” *In re Ratti*, 270 F.2d 810 (CCPA 1959). Applicant submits that in the present case, modifying the teachings of Ramirez-Diaz to display video data “without user intervention” would clearly change the basic operating principle of Ramirez-Diaz; i.e., to adjust the video image based on and in response to user inputs. Stated differently, there is simply *no* teaching as
20 to how or why one would accomplish adjusting the video without user inputs; **the reason to do so would completely disappear**.

25 See also MPEP 2141.02: “[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the ‘subject matter as a whole’ which should always be considered in determining the obviousness of an invention under 35 U.S.C. § 103.” *In re Sponnable*, 405 F.2d 578, 585 (CCPA 1969). {emphasis added} Applicant submits that Ramirez-Diaz in no way recognizes the problem to be solved by Applicant’s invention of Claim 27; i.e., to provide anonymity and/or privacy to people or objects within the field of view while still providing monitoring functions. Ramirez-Diaz never even remotely considers such functionality or issues.

30 Based on the foregoing, Applicant submits that the prior art cited by the Examiner does not teach or suggest all of the limitations of Claim 27 as amended; thus, the claim is not rendered obvious thereby.

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Claim 30 – By this paper, Applicant has amended Claim 30 to recite processing raw image data collected by at least one sensor using the apparatus to produce censored image data, the censored image data comprising data wherein anonymity of legitimate inhabitants of the location is protected. Support for this amendment is replete throughout Applicant's specification as filed, including at, *inter alia*, page 10, line 18 – page 11, line 2.

Applicant respectfully submits that none of the prior art cited by the Examiner, including Hart and Ramirez-Diaz, teaches or remotely suggests processing raw image data collected by at least one sensor using the apparatus to produce censored image data, the censored image data comprising data wherein anonymity of legitimate inhabitants of the location is protected under all operational circumstances. Ramirez-Diaz merely discloses enabling a user to adjust the size and position of a video window and adjust brightness, contrast, etc. The adjustments disclosed in Ramirez-Diaz do not generate data wherein the anonymity of legitimate inhabitants of the location is protected under all circumstances; any protection which might be afforded via Ramirez-Diaz (e.g., a resizing such that the resolution is insufficient to determine identity) is purely inadvertent, and clearly does not exist under all operating circumstances.

Claim 36 – By this paper, Applicant has amended Claim 36 to recite limitations relating to the processing comprising the selective deletion of certain portions of the first data. Support for this amendment may be found at, *inter alia*, page 9, lines 18-23 of Applicant's specification as filed.

Applicant contends that neither Hart nor Ramirez-Diaz discloses processing comprising selective deletion of certain portions of the first data. On page 24 of the Office Action, the Examiner contends that the microcontroller 52 disclosed in Hart comprises a processing entity adapted to process the first data to produce second data. Even if one were to assume, *arguendo*, the Examiner's contention to be correct, the microcontroller 52 merely transforms the signal from an analog to a digital (see e.g., column 7, lines 2-4); Hart does not teach or suggest selective deletion of certain portions of the data.

Applicant submits that because each of the limitations of Claim 36, as amended, are not taught or suggested by the prior art, the claim is not rendered unpatentable.

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2. Per page 25 of the Office Action, Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hart.

Claim 33 – By this paper, Applicant has amended Claim 33 to recite at least one module adapted to, in response to a signal, cause the network interface to discontinue transfer of the processed data and begin transfer of the raw data to the remote entity. Support for this amendment may be found at, *inter alia*, page 12, lines 13-27 of Applicant's specification as filed.

Applicant respectfully submits that Hart does not teach or suggest at least one module adapted to, in response to a signal, cause the network interface to discontinue transfer of the processed data and begin transfer of the raw data to the remote entity. On page 26 of the Office Action, the Examiner contends that Hart discloses processing at the microcontroller 52 of FIG. 3. Assuming, *arguendo*, the Examiner's contention to be correct, Hart does not disclose in response to a signal, causing the network interface to discontinue transfer of processed data and begin transfer of raw data; rather Hart only describes transferring processed data.

Since Hart does not disclose at least one module adapted to, in response to a signal, cause the network interface to discontinue transfer of the processed data and begin transfer of the raw data to the remote entity, Claim 33, as amended, is not rendered unpatentable thereby.

3. Per page 27 of the Office Action, Claims 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Arbuckle, et al. (U.S. Patent No. 6,637,952; hereinafter referred to as "Arbuckle"). In response, Applicant provides the following remarks.

Claims 23 and 24 – Applicant respectfully traverses the Examiner's §103 rejection of Claims 23 and 24 as being unpatentable over Hart in view of Arbuckle.

The Examiner contends that Arbuckle discloses "*the support element comprising at least one second electrical interface adapted to transmit electrical power and information signals to and from the at least one first interface (col. 5, ln. 15-22, Arbuckle discloses the support element; col. 5, ln. 4-14 and col. 6, ln. 66 to col. 7 ln. 5).*" Applicant respectfully disagrees.

Applicant submits that Arbuckle merely discloses, at column 5, lines 4-14 and column 6, line 66 – column 7, line 5, a support element capable of accommodating electrical wires, and does not disclose an electrical interface adapted to transmit electrical power and information signals to

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and from the at least one first interface. There is respectfully a difference between merely accommodating electrical wires, and an electrical interface adapted to (internally) transmit these signals as part of its structure.

5 The Random House unabridged Dictionary (v1.1) dated 2006 defines the term “interface” as follows (see www.dictionary.com):

“in·ter·face /n.

—noun

1. a surface regarded as the common boundary of two bodies, spaces, or phases.

10 ...
3. a common boundary or interconnection between systems, equipment, concepts, or human beings.

...
5. a thing or circumstance that enables separate and sometimes incompatible
15 elements to coordinate effectively: The organization serves as an interface between the state government and the public.” {emphasis added}

Mere accommodation of electrical wires cannot in any reasonable interpretation be considered an “interface”, especially in light of how Applicant has used this term in its specification (which the
20 Examiner must as a matter of law consider).

However, to more clearly distinguish the inventions of Claims 23 and 24 over the prior art, by this paper Applicant has amended the claims to disclose at least one second electrical interface comprising electronic circuitry adapted to transmit electrical power and information signals to and from the at least one first interface. Support for this amendment may be found at, *inter alia*, page 10,
25 lines 3-13 of Applicant’s specification as filed.

As noted above, Applicant respectfully submits that Arbuckle merely discloses a housing able to accommodate electrical wires (see e.g., column 5, lines 4-14 and column 6, line 66 – column 7, line 5). Accordingly, Arbuckle does not teach or suggest at least one second electrical interface comprising electronic circuitry adapted to transmit electrical power and information signals to and
30 from the at least one first interface. Therefore, Claims 23 and 24, as amended, are not rendered obvious given the disclosures of Hart and Arbuckle.

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New Claims

Claim 38 - By this paper, Applicant has added new independent Claim 38. Support for the claim may be found at, *inter alia*, FIGS. 2b-2e and related description in Applicant's specification as filed. Hence, no new matter has been added.

Applicant submits that Claim 38 distinguishes over the art of record, and is in condition for allowance.

Claim 39 - By this paper, Applicant has added new independent Claim 39, which relates generally to the subject matter of existing Claim 20. Claim 39 recites, *inter alia*, limitations relating to the processing of the video data being configured to preclude viewing of certain features of said monitored location or its inhabitants without affecting the viewing of other features of the monitored location. Support for this amendment is replete throughout Applicant's specification, as previously discussed herein.

None of the cited art respectfully contemplates preclusion of viewing of certain features while not affecting others (e.g., not resizing, adjusting resolution, etc. as in Ramirez-Diaz).

Applicant therefore submits that Claim 39 distinguishes over the art of record, and is in condition for allowance.

Other Remarks

Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Brief Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.


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If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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